

**REMARKS/ARGUMENTS**

1. In the above referenced Office Action, the Examiner rejected claims 1-8, 10-14, 25-31, and 35-39 under 35 USC § 102 (b) as being anticipated by Chang (U.S. Patent No. 6,501,785); and claims 9, 15-24, 32-34, and 40 under 35 USC § 103 (a) as being unpatentable over Chang (U.S. Patent No. 6,501,785) in view of Salonaho (U.S. Patent No. 6,574,485). These rejections have been traversed and, as such, the applicant respectfully requests reconsideration of the allowability of claims 1-40.

2. Claims 1-8, 10-14, 25-31, and 35-39 have been rejected under 35 USC § 102 (b) as being anticipated by Chang (U.S. Patent No. 6,501,785). The applicant respectfully disagrees with the Examiner's characterization of the present claims in view of the prior art cited and in deeming the applicant's previous arguments as non-persuasive.

As is presently claimed in claim 1, an access point determines interference on a current wireless channel of a plurality of wireless channels. When the interference on the current wireless channel exceeds an interference threshold, the access point provides a request packet that requests channel spectrum information to at least one affiliated station via the current wireless channel. The at least one affiliated station generates the channel spectrum information of the plurality of wireless channels and provides it to the access point via the current wireless channel. The access point interprets the channel spectrum information to determine a desired wireless channel of the plurality of wireless channels and provides

a selection packet to the at least one affiliated station via the current wireless channel, wherein the selection packet indicates that the access point will change to the desired wireless channel at a future time.

Chang does not teach or suggest a method for changing from one of a plurality of channels to another based on interference. Instead, Chang teaches changing a frequency hopping pattern of a link when multiple frequencies of the frequency hopping pattern have an SINR less than an SINR threshold. In particular, Chang teaches that the dynamic frequency hopping management device 310 compares each of the SINRs against a SINR threshold. A number of frequencies in a frequency hopping pattern that is less than the SINR threshold is determined. When this number falls below a marking threshold, then the dynamic frequency hopping management device 310 marks the corresponding link for assignment of a new frequency hopping pattern. (column 6, lines 54-61) Chang further teaches that conventional frequency hopping patterns provide benefits of interference averaging by channel coding over multiple hops. Thus, if one or a few hops experience strong interference, the transmitted information can still be reliably recovered. (column 3, lines 60-67)

As such, Chang is teaching a technique for changing a frequency hopping pattern when multiple frequencies in the pattern have SINR below a threshold by replacing those frequencies with available frequencies to maintain the interference averaging benefit of frequency hopping.

The present invention of claim 1 does not include frequency hopping as is taught by Chang, but using a channel of a plurality of channels for communication. Further, the present invention of claim 1 does not require multiple frequencies to have an SINR below a threshold before a change is made as is taught by Chang; only the current channel needs to have an interference level that exceeds a threshold to make a change.

For the foregoing reasons, the applicant believes that claim 1 overcomes the present rejection.

Since each of claims 2 - 8 are dependent upon claim 1 and introduce additional patentable subject matter, the applicant believes that the reasons that distinguish claim 1 over the present rejection is applicable in distinguishing claims 2 - 8 over the same prior art.

The applicant believes that the reasons that distinguish claim 1 over the present rejection are applicable in distinguishing claims 10-14, 25-31, and 35-39 over the same prior art.

3. Claims 9, 15-24, 32-34, and 40 have been rejected under 35 USC § 103 (a) as being unpatentable over Chang (U.S. Patent No. 6,501,785) in view of Salonaho (U.S. Patent No. 6,574,485). The applicant respectfully disagrees.

The applicant believes that the teachings of Chang fail to teach one or more core aspects of the present

claimed invention. Thus, combining the teachings of Chang with Salonaho fails to render the present claims obvious.

For the foregoing reasons, the applicant believes that claims 1-40 are in condition for allowance and respectfully request that they be passed to allowance.

The Examiner is invited to contact the undersigned by telephone or facsimile if the Examiner believes that such a communication would advance the prosecution of the present invention.

RESPECTFULLY SUBMITTED,

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